

MEGHAN A. BLANCO (Cal. Bar No. 238171)
Law Offices of Meghan Blanco
28202 Cabot Road
Suite 300
Laguna Niguel, CA 92677
Telephone: (949) 296-9869
Facsimile: (949) 606-8988
Email: mblanco@meghanblanco.com

Attorney for Defendant
GABRIEL ZENDEJAS-CHAVEZ

UNITED STATES DISTRICT COURT

FOR THE CENTRAL DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

GABRIEL ZENDEJAS-CHAVEZ (3),

Defendant.

No. CR 18-173-GW

DEFENDANT CHAVEZ'S RENEWED MOTION
TO DISMISS FOR SPEEDY TRIAL
VIOLATIONS

Location: Courtroom of the
Hon. George Wu

TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:

PLEASE TAKE NOTICE that on September 5, 2024, at 8:00 a.m. before the Honorable George Wu of the above-captioned Court, defendant Gabriel Chavez will, and hereby does, renew his motion to dismiss for speedy trial violations.

This motion is brought pursuant to Federal Rule of Criminal Procedure 14(a), 18 U.S.C. § 3162, and the Fifth and Sixth Amendments to the United States Constitution. This renewed motion is brought for the following reasons, which are all documented in the Court's file:

1. Mr. Chavez repeatedly exercised his right to a speedy retrial after the Court declared a mistrial in 2022;

2. Mr. Chavez separately sought to sever from his current codefendants on grounds that evidence of the murder of P.C. would prejudice him at trial [ECF 4039 at 16];
3. The government opposed each of Mr. Chavez's requests on grounds that (a) "judicial economy" favored trying Mr. Chavez with his codefendants and (b) Mr. Chavez would not be prejudiced by P.C.'s murder;
4. Following Mr. Chavez's 2022 mistrial, the government permitted a codefendant (Deshannon) to sever and proceed to trial, twice;
5. Mr. Chavez remained on home confinement from 2018 until a few months ago;
6. Each time Mr. Chavez sought to remove his home confinement condition, the government opposed;
7. Unbeknownst to the Court or Mr. Chavez, the government used the years that elapsed since Mr. Chavez's 2022 mistrial to restructure its case against him using suppressed *Brady* evidence from his first trial to supersede with a new indictment that it filed after the statute of limitations had expired;
8. The government continued to pursue a special allegation and several OAs relating to PC's murder that it knew, prior to Mr. Chavez's 2022 trial, were likely untrue;
9. The government never disclosed to Mr. Chavez of his codefendants that another AUSA within the prosecution's own office filed under seal documents as early as 2017 in which she explained that a different person likely killed P.C.;

10. By continuing to proceed on false allegations relating to P.C.'s murder, the government manufactured a need for Mr. Chavez's codefendants to seek continuances, over his objections, so they could properly defend against the false murder allegations;
11. The government's suppression of *Brady* information prior to Mr. Chavez's 2022 trial prejudiced both him and his codefendants;
12. Because of the government's misconduct, Mr. Chavez believed it was necessary to testify in his first trial;
13. Statements from Mr. Chavez's 2022 trial will adversely impact his codefendants' trial rights, as the government has indicated his statements will be used to show the existence of the charged RICO conspiracy;
14. Chavez's codefendants have sought to sever as an alternative remedy to their separate requests for dismissals;
15. Mr. Chavez agrees that if the Court does not dismiss his case, severance would be required to protect the trial rights of his codefendants, who would be irreparably harmed by a joint trial at this stage;
16. The government, through its own misconduct, has made it impossible to conduct a joint trial fairly;
17. Had the government disclosed its misconduct sooner, there would have been no reason to overrule his requests to proceed to a speedy retrial; and

1 18. Mr. Chavez does not believe that anything less than a
2 dismissal of his charges could cure the irreparable harm
3 the government's misconduct has caused him.
4

5 Mr. Chavez incorporated by reference all arguments and citations
6 to law regarding these issues that were made in prior proceedings and
7 prior filings, including prior motions to dismiss.
8

9 Dated: August 23, 2024

Respectfully submitted,

10 /s/

11 _____
MEGHAN BLANCO

12 Attorney for Defendant

13 GABRIEL ZENDEJAS-CHAVEZ
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28